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9                   UNITED STATES DISTRICT COURT  
10                   WESTERN DISTRICT OF WASHINGTON  
11                   AT TACOMA

12 SKY T. MILLER,

13                   Plaintiff,

14                   v.

15 DICK MORGAN et al.,

16                   Defendants.

CASE NO. C10-5638BHS/JRC

ORDER GRANTING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS AND  
DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

17                   The Court, having reviewed plaintiff's application to proceed in forma pauperis, does  
18 hereby find and ORDER.

19                   (1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give  
20 security therefore. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**.  
21 **As set forth below, an initial partial filing fee will be collected, and plaintiff is required to**  
22 **make monthly payments of 20 percent of the preceding months income credited to his/her**  
23 **account until the full amount of the filing fee is satisfied.**

24                   (2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed *in*  
25 *forma pauperis*, the agency having custody of the above named plaintiff is directed to calculate  
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1      an initial partial filing fee equal to 20 percent of the greater of -- the average monthly deposits to  
2      the prisoner's account or the average monthly balance in the prisoner's account for the 6-month  
3      period immediately preceding the date of this Order. The initial partial filing fee should be  
4      forwarded to the court clerk as soon as practicable.

5                 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
6      directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's  
7      income credited to the prisoner's account. In the event that the monthly payment would reduce  
8      the prisoner's account below \$10.00, the agency should collect and forward only that amount  
9      which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit  
10     does not apply to the initial partial filing fee described above. Finally, the monthly payments  
11     should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter  
12     has been paid.

13                 (3)     The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
14      and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization  
15      portion of the IFP application to the Prison Litigation Reform Act ("PLRA") contact person, the  
16      inmate account manager at the Washington State Department of Corrections.

17                 DATED this 21<sup>st</sup> day of October, 2010.

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J. Richard Creatura  
United States Magistrate Judge